

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15066 of 2015

Dr. Usha Kiran Narain aged about 63 years wife of Sri Abhay Shankar Singh
resident of Road No.6, Rajendra Nagar, P.S. Kadam Kuan, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, having his office at Old Secretariate, P.S. Sachivalaya, District- Patna.
2. The Principal Secretary, Education Department (Higher Education), Government of Bihar having his office at Vikas Bhawan P.S. Sachivalaya, District- Patna.
3. The Principal, Finance Department having his office at Old Secretariate, P.S. Sachivalaya, District- Patna.
4. The Additional Secretary, Education Department (Higher Education) having his office at Vikas Bhawan P.S. Sachivalaya, District- Patna.
5. The Director, Education Department (Higher Education) having his office at New Secretariate (Vikas Bhawan) P.S. Sachivalaya, District- Patna.
6. The Accountant General, Bihar, Patna having his office at Birchand Patel Path, P.S. Kotwali, District- Patna.
7. The University Grants Commission through its Chairman, Bahadur Sah Jafar Marg, New Delhi 110002.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rupak Kumar, Advocate
	:	Mr. Jitendra Kumar, Advocate
For the Respondent/s	:	Mr. Sanjay Prasad, AC to AAG-4
For the Accountant General	:	S.M. Ehteshami, Adv.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 11-12-2018 Heard learned counsel for the petitioner and the

counsel appearing on behalf of the State.

Petitioner is aggrieved by the rejection of the claim of the petitioner for grant of additional increments as incentive for obtaining Ph.D. before 1.1.1996. From perusal of Annexure-1, it appears that the decision was taken to reject the claim of the petitioner on the ground that for Government Girls College, there is no provision for grant of two advance increments and as such the claim of the petitioner has been rejected.



Learned counsel appearing on behalf of the petitioner would submit with reference to Annexure-2 that the benefit of UGC pay scale it was extended not only the teachers of constituent college and the department of the Universities but also to the Government colleges. Referring to the aforesaid resolution of the State government learned counsel for the petitioner submits that the benefit advance increments is also applicable in the case of teachers of Govt. Womens College. The Secretary Education Department has issued guidelines for grant of two advance increment on account of obtaining Ph.D degree before 1.1.1996 is subject to condition:-

Firstly that the Ph.D. degree was obtained prior to 1.1.1996, and secondly the benefit of such Ph.d. degree was not extended to the incumbent in the matter of appointment or promotion.

The learned counsel for the petitioner with reference to the aforesaid condition submits that the petitioner was not extended any benefit in the matter of appointment or promotion and as such the petitioner is entitled to consideration of her case for grant of two advance increments. On Scrutiny of Annexure-1 it appears that Annexure-1 proceed on the basis that there is no such decision but there is no appreciation of the resolution dated



29.07.2010 which admits similar treatment to the teachers of Govt. Womens College in the matter of grant of UGC pay scale. The benefit of two advance increments was extended to the teachers under the guidelines of the UGC and if the respondents have adopted to grant same benefit to the teachers of government Womens College by way of resolution dated 29.07.2010, the respondents are required to consider the desirability of extending the benefit of two advance increment on obtaining Ph.d before 1.1.1996 to the Govt. Womens College. Since Annexure-1 does not appear to be conscious decision in the light of Annexure-2, accordingly, the respondents are hereby directed to take fresh decision ignoring Annexure-1 with regard to entitlement of the petitioner for grant of two advance increments in the light of the decision of the Education Department contained in Annexure-2 and Annexure- 10 within a maximum period of four months from the date of receipt/ production of a copy of the order.

With the aforesaid observation and direction the present writ petition is allowed and disposed of.

(Anil Kumar Upadhyay, J)

T.Kr./Rashid

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